

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kauaʻi Police Commission		Meeting Date	February 26, 2016
Location	Moʻikeha Building – Meeting Room 2A/B			Start of Meeting: 9:00 a.m.	End of Meeting: 11:35 a.m.
Present	Chair Charles C.C. Iona; Vice-Chair Mary K. Hertog; Members: Savita Agarwal, Gerald “Chip” Bahouth, Kevin Mince, James R.O.’Connor Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Jay Furfaro; Deputy County Attorney Mahealani Krafft; Police Department: Chief of Police Darryl Perry; Executive Chief of Police Michael Contrades; Assistant Chiefs Robert Gausephol.				
Excused	Commissioner Donald “Moki” Okami				
Absent					
SUBJECT		DISCUSSION		ACTION	
Call To Order		Chair Iona announced for the record that Commissioner Okami has an excused absence and will not be here today.		Chair Iona called the meeting to order at 9:00 a.m. with six (6) members present constituting a quorum.	
Approval of Minutes		Chair Iona called for a motion to approve the Regular Open Session Minutes of January 22, 2016.		Commissioner O’ Connor moved to approve the meeting minutes of January 22, 2016. Vice Chair Hertog seconded the motion. Motion carried 6:0.	
Officer of the Month – Sergeant Bernard Purisima		The Kauaʻi Police Commission along with the Kauaʻi Police Department recognized Sergeant Bernard Purisima as the Officer of the Month for February. Sergeant Purisima was nominated for his role as the lead investigator in the armed robbery at the Kapaʻa Pharmacy in September. The investigation revealed that the suspect, armed with a handgun, entered the pharmacy and demanded prescription medication. Following a four (4) day investigation led by Sergeant Purisima, the police was able to identify and arrest the male suspect and recovered key evidence. Chief Perry presented Sergeant Purisima with a certificate of exemplary			

SUBJECT	DISCUSSION	ACTION
	<p>and outstanding investigative work and dedication to his duties that lead to the capture of the robbery suspect. Sergeant Purisima thanked his fellow officers and detectives for without their due diligence the capture of the male suspect would have taken longer to resolve.</p> <p>Reading the recognition for Sergeant Purisima was Lieutenant Kenneth Cummings.</p>	
<p>Chief’s Monthly Reports</p>	<ol style="list-style-type: none"> 1. Administrative and Technical Bureau – Recruitment, Records Section and Training Reports 2. Fiscal Report 3. Investigative Services Bureau – General Crimes Section, Special Focus Section and Vice Section 4. Bench Warrant Tracking 5. Patrol Services Bureau Monthly Activity and Traffic Reports 6. Community Oriented Policing Traffic and District Reports for Līhu‘e, Hanalei and Waimea 7. Chief’s announcements and other pertinent updates <p>Chair Iona opened the discussion to allow his fellow Commissioners to ask questions and make comments on the reports. There were no comments or questions from the Commissioners.</p> <p>Chie Perry made the following announcements:</p> <ul style="list-style-type: none"> • Chief Perry thanked Chair Iona and Vice Chair Hertog for testifying before council in support of Salary Resolution to increase the salaries of certain officers and department heads; • KPD has been working diligently with their counterparts on 	

SUBJECT	DISCUSSION	ACTION
	<p>legislative testimony on various House and Senate bills relating to law enforcement;</p> <ul style="list-style-type: none"> On March 16-18, Chief Perry and Executive Chief Contrades will be flying to Colorado to attend a three (3) day training conference titled “Colorado Two Years Later” after the legalization of marijuana. The conference will be held at the University of Denver; Officer Mitchell Collier has been named the new Director for the Kaua‘i Police Activities League; On February 25th FEMA held a six (6) hour training class on to prepare for man-made and natural disasters; KPD will be conducting training on Active Shooter preparedness 	
KPC 2015-12	<p><u>On-going discussion on the Kaua‘i Police Department’s Budget for FY 2016/2017.</u></p> <ul style="list-style-type: none"> <u>Briefing by Chief Perry and Executive Chief Michael Contrades as it relates to the Administration’s disposition regarding KPD’s proposed fiscal year 2017 budget</u> <p>Chair Iona stated that Commissioner Mince brought to his attention that some of the language in the current Police Commission Rules of Practice and Procedure needs to be reviewed and possibly modified to correct typos and duplication. He suggested that Commissioners Mince and O’Connor review the past and present rules and report their findings at the Commission’s next meeting in March. He noted that any changes to the current rules will require a public hearing.</p> <p>Commissioner Mince stated that his concerns was that the current Administrative Rules did not match the Charter; there are a lot of stuff in rules that seems to be out of order and confusing.</p> <p>He suggested that the Commission do a comparison of the past and current</p>	

SUBJECT	DISCUSSION	ACTION
	<p>rules to try to realign it so that it's clearer and it marries the Charter. He stated that the process could take more than a month but what they could do is present a preliminary report of their findings at the next meeting and then have the Chair decide which direction he would like the Commission to take.</p> <p>Chair Iona stated that if there is no further discussion on the issue, he would like to call upon Chief Perry to give a briefing on the Administration's disposition on KPD's proposed budget for FY 2016/2017.</p> <p>Chief Perry reported that the Administration was satisfied with their proposal and they are waiting for the budget to comeback from the Mayor.</p> <p>Vice Chair Hertog asked Chief Perry if he could provide a little bit more details relating to the school crossing guards positons. Executive Chief Michael Contrades stated that the final decision will be made by the end of the week. Vice Chair Hertog asked what timeline is he looking at for a response? E/C Contrades replied that they should have an answer by the next meeting.</p> <p>Commissioner Bahouth asked with all of their creative thinking in terms of positions did they get what they asked for. E/C Contrades replied yes, noting part of the discussion entailed looking at the school crossing guard positions and what the law requires the Chief of Police to provide. After doing some research the law states that the Chief of Police is only required to provide traffic monitors and not school crossing guards; the traffic monitors are supposed to be empowered with the ability to enforce and cite. Currently, the Chief is thinking about creating four (4) new traffic monitor positions in an effort to slowly move away from the school crossing guards. In addition, they plan to convert some positons into two</p>	

SUBJECT	DISCUSSION	ACTION
	<p>(2) training officer positions and one sergeant position for the Office of Professional Standards, as well as, several other new positions in the future.</p> <p>Vice Chair Hertog asked about the status of the SRO's (School Resource Officer) in the schools. E/C Contrades replied that the SRO's will remain in the schools. Vice Chair Hertog asked if there will be an effort from the Department of Education to try to find or fund additional manpower for the SRO positions. E/C Contrades replied that they met with School Superintendent Bill Arakaki and they presented him with a memorandum of understanding that over the next several years there will be an act of integration where the DOE will have to start paying for the SRO positions to help off-set some of the cost. Vice Chair Hertog asked if the memorandum of understanding has been signed to which E/C Contrades replied not yet.</p> <p>Commissioner Bahouth asked if the indemnification clause is associated with the memorandum of understanding. E/C Contrades replied presently the county indemnifies the state but it was removed. Vice Chair Hertog asked E/C Contrades if he could address the movement towards purchasing new vehicles for the department.</p> <p>E/C Contrades replied that the Administration asked them to procure the purchase of the vehicles with unexpended salaries so they will be going to council to ask for their approval to purchase of fifteen (15) new vehicles for this year.</p> <p>Commissioner Mince asked if the 1.5 million dollars' worth of priority</p>	

SUBJECT	DISCUSSION	ACTION
	<p>items is in addition to the proposed budget and that negotiations had to be done which reduced their budget to \$37,000.</p> <p>E/C Contrades explained that based on the numbers in their new plan to use the school crossing guard's positions to create new positions they were actually \$37,000 over their flat budget.</p> <p>Commissioner Mince then asked if all of the priority items they asked for was approved by the Administration to which E/C Contrades replied yes, but the final decision still needs to be made and that they were asked to go back to make sure that their budget was flat which they were able to do.</p> <p>Commissioner Mince asked if there are restrictions on putting out bids for the new vehicles to which E/C Contrades replied he would refer his question to Assistant Chief Robert Gausephol who handles all of the procurement for the department.</p> <p>Commissioner Mince then asked who equips the department's vehicles, and if it's done here on island or on the mainland to which E/C Contrades replied that after doing some research they found that it would save the department money and time to have the vehicles equipped in California versus having the vehicles equipped here on island.</p> <p>Commissioner Mince asked Chair Iona if it would be appropriate for him to ask about the department's overtime, and if not, would he have the opportunity later to which Chair Iona replied he could talk about it later.</p> <p>Chair Iona commented that when it comes to the budget you have to treat it</p>	

SUBJECT	DISCUSSION	ACTION
	<p>like a business; there is this dangerous threshold, especially when you're put in a situation where there is no money to work with and you have to decide between getting the proper equipment versus other needs.</p> <p>E/C Contrades stated that the right now, the department's most critical needs are positions. There are a lot demands are placed on us each day and the people do not understand that many of us wear different hats. For example, as the Executive Chief of Police not only does he have deal with personnel and labor issues he now, has to deal with legislative issues, and at some point, their budget needs to be expanded to accommodate additional personnel.</p> <p>With no further discussion regarding KPD's proposed budget, Chair Iona called upon Administrator Furfaro to address the Commission on the recent County Council meeting relating to Salary Resolution 2016-01.</p> <p>Administrator Furfaro stated that Council referred the resolution to the committee for more discussion next Wednesday. He stated that the councilmembers made a request to identify a separate number associated with the attorneys and the prosecutor's office to see if the salaries were done incrementally, and if they knew, what costs were related to it.</p> <p>Administrator Furfaro stated that the County Attorney made an appropriate and objective commentary about getting our people to the level of par with the other government agencies. He added that both Commissioners Iona and Hertog testimonies were well received and would like to ask for another show of support for Salary Resolution 2016-01 at the next County Council meeting on Wednesday, March 2, 2016, at 10:00 a.m.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Hertog asked what are they looking for other than what was said this past Wednesday to which Administrator Furfaro replied he believes council is looking for comparisons of the bargaining unit versus our management team.</p> <p>Vice Chair Hertog asked if the Commissioners could get a copy of the information to which Administrator Furfaro replied yes, after he meets with the Managing Director at 1:30 p.m. today.</p> <p>With no further discussion, Chair Iona moved unto the next agenda item.</p>	
KPC 2016-01	<p><u>Discussion on the SRO (School Resources Officer) Program in the schools.</u></p> <p>Chair Iona noted that the item was discussed in conjunction with agenda item KPC 2015-12.</p>	
KPC 2016-02	<p><u>Discussion on having the Police Commission meetings televised on Hoike Kaua‘i Community Television. (On-going)</u></p> <p>Chair Iona asked Administrator Furfaro if he anticipates revisiting the issue in the near future. Administrator Furfaro explained that the original Granicus contract was a three (3) year contract but at the end of year the second year, Granicus found themselves relocating from California to Colorado in which they asked amend their contract but he refused. He added that talks are being planned in ten (10) months to revisit the total package which will include the Mayor’s program as well as the Police Commission meetings, but for right now, as a cost saving measure, both shows will be put on hold.</p> <p>With no further discussion, Chair Iona moved unto the next agenda item.</p>	

SUBJECT	DISCUSSION	ACTION
KPC 2016-03	<p><u>Communication dated February 8, 2016, from Mahealani Krafft, Deputy County Attorney to Chair Charles Iona of the Police Commission regarding, Kaua‘i Police Commission Practices Related to Receipt of Complaints.</u></p> <p>Chair Iona called for a motion to receive agenda item KPC 2016-03. With no further discussion, Chair Iona moved unto the next agenda item.</p>	<p>Commissioner O’Connor moved to receive agenda item KPC 2016-03. Commissioner Agarwal seconded the motion. Motion carried 6:0</p>
KPC 2016-04	<p><u>General discussion on the type of procedural steps that are taken internally to conduct an audit on cash accounts.</u></p> <p>Acting Lt. James Miller of the Office of Professional Standards was present to address the Commission.</p> <p>Acting Lt. Miller stated that without going into the specifics, some of the practices that are in place limits the amount money a unit can have; in this case, \$15,000.00 is the new limit each unit can have in its possession at any one time.</p> <p>Acting Lt. Lieutenant Miller stated to ensure that everything is kosher the method of how the money is obtained has been changed; a memo needs to be written from the commander of that particular unit to the assistant chief who will review and approve the document and once that happens finance will begin to start of all the paper work to cut the check. He added that once that’s all done the commander and the sergeant of that particular unit will take the check and go to the bank (together) and upon their return go immediately to the assistant chief who will contact the Office of Professional Standards and together they will count the money and give it back to that particular unit for them to place in their safe. Additionally, mandatory monthly audits will be conducted by the assistant chiefs and the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>captain of each bureau and the Office of Professional Standards will also conduct unannounced audits throughout the quarter.</p> <p>With no further comments or questions by the Commissioners, Chair Iona moved onto the next agenda item.</p>	
KPC 2016-05	<p><u>Discussion on providing testimony to the State Legislators to support the department’s needs for more funding.</u></p> <p>Administrator Furfaro stated that are four (4) mechanisms in place that could help the Commission introduce their concerns at the state level. 1) The Commission’s association with the other Police Commission throughout the state; 2) HSAC (Hawai‘i’s Association of County’s) meets regularly and submits a legislative package every year in October; 3) HCOM (Hawai‘i County of Mayors); and 4) Kaua‘i’s Representatives and Senator Ron Kouchi, if asked, could carry testimony over to the legislators.</p> <p>After a lengthy discussion, Chair Iona called for a motion to form a subcommittee.</p>	<p>Commissioner Bahouth moved to form a subcommittee for the purpose of exploring different avenues to help generate more funding for the Kaua‘i Police Department. Vice Chair Hertog seconded the motion. Motion carried 6:0</p>
Announcements	<p>Next regular meeting- Friday, March 18, 2016, at 9:00 a.m. in the Mo’ikeha Building, Meeting Room 2A/2B. Executive Session to follow.</p> <p>At 10:32 a.m. Vice Chair Hertog read the Hawai‘i Revised Statutes.</p>	
Executive Session ES-33	<p><u>Pursuant to the Hawai‘i Revised Statutes §92-4 and §92-5 (a) (4), the purpose of this Executive Session is for the Commission to consult with its attorney as to the powers, duties, privileges, immunities, and liabilities as</u></p>	

SUBJECT	DISCUSSION	ACTION
	<u>they may relate to a Declaratory Action to determine the powers of the Mayor and the powers of the Police Commission. (On-going)</u>	
ES KPC 2016-003	<u>Pursuant to the Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve the Executive Session minutes of January 22, 2016, and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item.</u>	
ES KPC 2015-041	<u>Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to dismissal, or discipline of an employee or officer of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to the following agenda items:</u> <u>New non-notarized complaint KPC 2015-013, received on November 19, 2015, is in reference to a request for help from the Police Commission to ask someone from the Internal Affairs Unit to assist the complainant in filing a complaint against four (4) police officers in the Kaua'i Police Department for misconduct; and in a separate complaint the complainant alleges that an officer violated his civil rights, projected cruel and unusual punishment and excessive use of force. (Deferred on December 18, 2015)</u>	
ES KPC 2016-004	<u>New notarized complaint KPC 2016-001, received on February 8, 2016. The complaint alleges during an incident involving the complainant and his neighbor an off-duty officer in the Kaua'i Police Department who was</u>	Chair Iona called for a motion to enter in Executive Session.

SUBJECT	DISCUSSION	ACTION
	<u>there at the time was discourteous and unprofessional.</u>	Commissioner Agarwal moved to enter into Executive Session. Commissioner Mince seconded the motion. Motion carried 6:0 At 10:34 a.m. the Commission entered into Executive Session.
Return to Open Session to ratify the actions taken in Executive Session	At 11:35 a.m. the Commission reconvened in Open Session. Chair Iona called for a motion to ratify the actions taken in Executive Session.	Commissioner O’Connor moved to ratify the actions taken in Executive Session. Commissioner Mince seconded the motion. Motion carried 5:0 ES:33: On-going ES KPC 2016-03: Motion carried 5:0 to approve the Executive Session Meeting Minutes of January 22, 2016. ES KPC 2015-041: Motion carried 5:0 to defer the item to May. ES KPC 2016-004: Motion carried 5:0 not to uphold the complaint due to insufficient evidence.
Adjournment	With no further business to conduct, Chair Iona called for the meeting to be adjourned.	Commissioner O’Connor moved to adjourn the meeting. Vice Chair Hertog seconded the motion. Motion carried 5:0 The meeting adjourned at 11:35 a.m.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Charles C.C. Iona, Chair

- ☒ Approved as circulated on March 18, 2016
☐ Approved as amended. See minutes of _____ meeting.